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*Attorneys for Defendant Maricopa County*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

TPG Communications, LLC, d/b/a The  
Gateway Pundit, a Missouri limited  
liability company; and Jordan  
Conradson, an individual,

Plaintiffs,

v.

Jack Sellers, Thomas Galvin, Bill Gates,  
Clint Hickman, and Steve Gallardo, in  
their respective official capacities as  
members of the Maricopa County Board  
of Supervisors; Stephen Richer, in his  
official capacity as the Maricopa County  
Recorder; Rey Valenzuela and Scott  
Jarrett, in their official capacities as  
Maricopa County Election Directors;

NO. 22-CV-01925-JJT

**DEFENDANTS' RESPONSE TO  
PLAINTIFFS' MOTION FOR LIMITED  
EARLY DISCOVERY**

1 and Megan Gilbertson and Marcus  
2 Milam, in their official capacities as  
3 Maricopa County Communications  
4 Officers,

Defendants.

5 Maricopa County Supervisors Jack Sellers, Thomas Galvin, Bill Gates, Clint  
6 Hickman, and Steve Gallardo, Maricopa County Board of Supervisors, Stephen Richer,  
7 Maricopa County Recorder, Rey Valenzuela and Scott Jarrett, Maricopa County Election  
8 Directors and Megan Gilbertson and Marcus Milam, Maricopa County Communications  
9 Officers respond to Plaintiffs' Motion for Early Limited Discovery, as follows:  
10

11 1. Defendants deny Plaintiffs' introductory paragraph concerning "certain  
12 unsupported allegations made by Defendants" concerning The Gateway Pundit's readers  
13 making threats against Maricopa County officials. Threats against Maricopa County  
14 officials and others have been reported multiple times and Plaintiff Conradson personally  
15 scared Secretary of State Katie Hobbs with his aggressive tactics on two reported occasions:  
16

17 a. Defendants' Exhibit 16 at the TRO hearing: Eisler, Peter. "Two Georgia  
18 election workers sue far-right website over false fraud allegations." *Reuters*  
19 (Media & Telecom). December 2, 2021 (summarizing a lawsuit brought  
20 against TGP by Wandrea Moss and Ruby Freeman for allegations that the  
21 Pundit's "lies" about the two women "instigated a deluge of intimidation,  
22 harassment, and threats. . . ."

23 b. Defendants' Exhibit 17 at the TRO hearing: Eisler, Peter. "Pro-Trump news  
24 site targets election workers, inspiring wave of menace." *Reuters* (Special  
25  
26  
27  
28

1 Report). December 3, 2021 (documenting 25 election workers targeted by  
2 more than 100 violent threats or hostile messages citing the Pundit).

3 c. Defendants' Exhibit 22 at the TRO hearing. Grigg, Nicole. "ELECTIONS  
4 IN ARIZONA: In Arizona, election officials have faced death threats."  
5 Grigg, Nicole. *Twitter* thread. October 23, 2022 (publishing threats and  
6 harassment made against her personally).  
7

8 d. Defendants' Exhibit 24 at TRO hearing. Bowling, Joshua. "Ducey orders  
9 DPS protection for Secretary of State Katie Hobbs and her family following  
10 death threats." *Arizona Republic*. May 7, 2021 (reporting on Secretary of  
11 State Hobbs being "chased by a man she did not recognize" and noting that  
12 Plaintiff Jordan Conradson posted a tweet that Hobbs "runs in fear as I ask  
13 her tough questions about the #ArizonaAudit." ).  
14

15 e. Plaintiffs' Exhibit 9 at TRO hearing. Conradson, Jordan. "MUST SEE  
16 VIDEO: Arizona Secretary of State Kate Hobbs RUNS from TGP's Jordan  
17 Conradson AGAIN—Won't Answer Questions At Free and Fair Elections  
18 Event." *The Gateway Pundit*. March 23, 2022 (acknowledging Secretary  
19 Hobbs running from him, being removed from the event, and the same thing  
20 happening the year before).  
21  
22

23 2. Defendants object to the proposed discovery on the grounds that both the  
24 comment about Judge Tuchi's home address and a threat made against Mr. Liddy occurred  
25 *after* Plaintiff Conradson's press pass was denied on September 30, 2022 and are therefore  
26 not relevant to the present litigation regarding why Plaintiffs were denied a press pass. It is  
27  
28

1 Defendants' understanding that law enforcement is handling both investigations and will  
2 likely determine the identities of the individual(s) on their own.

3 3. TGP's negative article about Judge Tucci came out on December 1, 2022.  
4 Defendants know about the article and the threat made to Judge Tucci in the comments only  
5 because counsel for the plaintiffs informed Defense counsel of it; however, any legal issues  
6 regarding that threat arises from separate facts from those that serve as the basis for the  
7 current lawsuit and, therefore, should be in a separate lawsuit.  
8

9  
10 4. Unfortunately, there have been many threats against Mr. Liddy. Some of them  
11 he received personally, and some were provided by the F.B.I. But he has not been on the  
12 Gateway Pundit Website and has no knowledge of any person posting anything in the  
13 comments section of the Gateway Pundit website, threats or otherwise. Nor are threats made  
14 against him part of the present litigation. In short, none of the threats made against Mr.  
15 Liddy are before this Court, he is not a witness to the present litigation, and only law  
16 enforcement need investigate the threats made against him.  
17

18 5. Moreover, the supposition that the comment disclosing Judge Tuchi's address,  
19 and the threats made against Mr. Liddy were merely attempts to discredit The Gateway  
20 Pundit in light of their present litigation against the County is pure speculation. Even if one  
21 of these post-complaint threats was indeed made by someone seeking to discredit TGP, that  
22 does not "illuminate" whether the threats made against Arizona election workers and others  
23 during the relevant time period (documented partially above) was someone trying to  
24 discredit TGP before they filed the present complaint against the County. Defendants would  
25 not object to discovery attempting to determine who made harassing or threatening  
26  
27  
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1 comments against Maricopa County officials and/or poll workers during the relevant time  
2 period, though Plaintiffs have not requested to do that early discovery. Thus, Defendant's  
3 object to the requested discovery in the present litigation.  
4

5 6. However, if the Court is inclined to grant Plaintiffs' motions, Defendant's request  
6 that if the individual(s) who made the threat against Judge Tuchi or Mr. Liddy is identified,  
7 the name(s) be immediately turned over to both the Defendants' counsel and law  
8 enforcement. Defendants request that neither party contact the individual(s) in any way  
9 (letter, email, phone call, in-person, etc.) until the criminal investigation is completed.  
10 Defendants further request that after getting clearance from law enforcement that it is okay  
11 to contact the individual(s) identified, no party contact the identified person(s) in any way  
12 unless and until both parties are present, preferably at a scheduled deposition. Plaintiffs'  
13 motion makes it clear they have a strong interest in proving that the person(s) who posted  
14 the comment did so only to discredit TGP. Defendants believe it is just as likely the  
15 comment was inspired only by the article. Thus, both parties should be present when the  
16 person(s) is questioned about their motivation for posting the comment.  
17  
18  
19

20 **RESPECTFULLY SUBMITTED** this 13<sup>th</sup> day of December 2022.

21 RACHEL H. MITCHELL  
22 MARICOPA COUNTY ATTORNEY

23 BY: /s/ Charles E. Trullinger  
24 CHARLES E. TRULLINGER  
25 THOMAS P. LIDDY  
26 JOSEPH J. BRANCO  
27 JOSEPH E. LA RUE  
28 Attorneys for Maricopa County Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13<sup>th</sup>, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Honorable John J. Tuchi  
Judge of the United States District Court  
Sandra Day O'Connor U. S. Courthouse Suite 525  
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/s/D. Shinabarger

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Final.docx